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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002368

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SUBJECT: LACK OF ACCOUNTABILITY OF MOI CRIMES

REF: BAGHDAD 2251

Classified By: Pol MinCouns Robert S. Ford for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: Although there is much evidence of torture and abuse in Ministry of Interior (MoI) detention facilities and police stations, no one has been sentenced and imprisoned in 2008. The MoI Inspector General's office and Human Rights office seem to have little power to do anything more than pursue investigations (with difficulty) into allegations of abuse. The MoI Kadhamiya detention facility denied entrance to the Inspector General on July 21 when he went to investigate a known torture case. The new head of the MoI Human Rights Department, Neamah Hashim, told PolOff that he and his office are facing internal obstacles to investigating human rights violations in detention facilities. Although the MoI has recently established an internal court to more effectively prosecute and sentence MoI officials, it will have the effect of removing police and MoI officials from external judicial jurisdiction. An internal MoI court will be unlikely to sentence top officials accused of torture, abuse, or corruption since the ministry has historically shielded officials from prosecution. END SUMMARY.

¶2. (C) Previous reporting has indicated that there is continued evidence of torture and abuse in Ministry of Interior (MoI) detention facilities and police stations (reftel). Ministry of Human Rights (MoHR) inspection teams have access any time, under a Prime Ministerial order, to any detention facility, but they have recently been denied access to MoI facilities.

¶3. (C) The MoI Inspector General's office and Human Rights office seem to have little power to do anything more than pursue investigations (with difficulty) into allegations of abuse. According to Minister of Human Rights Wijdan Salim, the MoI Khadhamiya detention facility denied entrance to MoI Inspector General Aqeel Al-Turaihi on July 21 when he went to investigate a high-profile torture case. Wijdan told PolOff on July 23 however, that the previous night an MoHR team was able to visit the facility and confirmed the abuse of the former warden of the Khadamiya Women's Prison as well as many others who had visible signs of torture.

¶4. (C) The new head of the MoI Human Rights Department, Neamah Hashim, told PolOff on July 15 that he and his office are also facing internal obstacles to investigating human rights violations in detention facilities. In order to visit any MoI facility, his teams must give four days notice. They do not have vehicles or security for their inspections, and they only have 35 employees though the law mandates a total of 250 employees. Neamah has also faced personal obstacles; the MoI Inspector General's office has launched an investigation into his background. Although they have not been able to prove anything, several people have threatened to raise other investigations.

¶5. (C) Despite this, the MoI Human Rights Department has been able to do some inspections. The teams have inspected 19 police stations and National Police facilities in the last three months. They have recorded numerous incidents of

torture and corruption, and there are currently "many investigations" although not usually against officers. According to Neamah however, not one person has been sentenced and imprisoned in 2008. He said some people were arrested but then quickly released. (Note: We know of a high-profile case where an officer was arrested for torture that was video-taped in February and was released a few months later and is now back at work in the MoI. End Note.)

¶6. (C) Neamah however was hopeful there would be some convictions and detailed a few current high-visibility cases: an abuse incident in the First Regiment National Police against the investigation officer and several soldiers, a case against an officer who confessed to torture of a detainee, and an impending trial in Nasiriyah against an officer. His office is working with USG advisors on completing the investigations.

¶7. (C) The MoI has recently established an internal court system, like military courts, to more effectively prosecute and sentence MoI officials. This system will be ready to start trials soon. It has five regional headquarters in Erbil, Mosul, Baghdad, Hilla, and Basrah. Each headquarters heads three to four other courts spread through the provinces. The MoI criminal code became effective on April 17 and will soon be used to prosecute personnel. There are approximately 600 legal officers.

¶8. (C) COMMENT: There is currently no effective body within the MoI to hold officials accountable for torture, abuse, and corruption. The IG office and human rights office face many obstacles that prevent them from conducting inspections.

BAGHDAD 00002368 002 OF 002

When there are investigations, there are hardly any results or convictions. Additionally, the MoI court system will have the effect of removing police and MoI officials from external judicial jurisdiction. An internal MoI court will be unlikely to sentence top officials accused of torture, abuse, or corruption since the ministry has historically shielded officials from prosecution by using Article 136B of the Iraqi Law on Criminal Proceedings, which mandates that ministry employees can be made available for prosecution for acts committed during official duties only with permission from the responsible minister. Although CPA Memorandum Three repealed this provision, ministries continue to invoke it. However, the internal court could increase convictions of more minor crimes and lower-level personnel.

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